unit, however, who wishes to take up a portion would have to seek the permission of the District Head. 423 311

36. Again, if a stranger comes into the district and lives there for a sufficiently long while to become accepted as one of the Kagoro themselves then he can be loaned land to build a house on by anyone who cares to lend him it. It is *loaned*, not given or sold. If, however, a stranger were to come to the district for the first time and wished to do the same thing the would-be lender would first of all have to obtain the District Head's consent. 609 423 426

37. There was an old site in the Agwan village unit formerly used by Railway Construction Workings. When the Railway Construction moved on to Kafanchan the Agwan villagers returned to the site. The site, however, was very convenient as a building site and the former District Head in consultation with his Village Heads decided to allocate it as such. This decision was accepted. More recently a farmer in the neighbourhood protested against a farm of his being so allocated for further plots. The Elders who were collected and consulted upheld the decision that the District Head was entitled to decide that the land should be used for this purpose and that custom would agree (cf. the Hausa proverb—*Gari ya kore gona*). Similar circumstances arose recently in the Kpak village unit where specific lands were ' set aside ' by the District Head for Hausa and Ibo enclaves. They did not want indiscriminate settlement by outsiders and so decided to keep them fixed in a specific area. 631 622 623 423

38. It must be remembered that in no one of these circumstances could the District Head be said to have acted in accordance with his traditional powers. He is not a traditional entity. He has acted as representative of and in consultation with his Elders who are the representatives of tradition and who, by consent, have acted in novel circumstances as they would have acted traditionally. It is of great interest to note that these somewhat primitive people seem to be in the process of evolving " central powers " very similar to those accepted by customary law in the Emirates. Whether or not, as mentioned above, this is from within or a mere copying it is difficult to say. It must be remembered, however, that they are somewhat backward people. the Elders are very conservative, have a considerable say in matters and are very independent minded. It is fairly certain that the District Head could not move in such matters without their definite consent. 631 622 [623] 167 423 609

39. Though there appears to be a certain amount of intermingling by and absorption of non-Kagoro elements coming Immigration.

423 into the district, this intermingling is confined to members of the
609 neighbouring Katab, Kaje and Attakar tribes whose tribal customs
167 are somewhat similar. Other elements are restricted to their own special enclaves. This has occurred in the case of both Hausas and Ibos. A special area has been set aside for them and the latter are not loaned farms outside the area. One Yoruba has a farm in the district; but this is a very special case. He was a very great
167 friend of long standing of a previous District Head who had loaned
423 him one of his farms. The present District Head had opened, just
609 prior to my arrival, a register in which all Ibos who had been given
217 permission to build a house on land loaned to them were being required to sign their names. The first page of the book reads, in Hausa:—

[539] "In accordance with the decision of the District Head in consultation with his Elders we have seen fit to grant strangers wishing to build houses the loan of land, for the purposes of building only, at Kpak near the Railway Station and the Hausa quarter. The land is not given for farming purposes.

Since the land is loaned they have not the right to do anything on it but build. When they wish to leave they have not the right to sell the buildings that they have built to whoever they deem fit, but only with the knowledge and agreement of the Village Head.

Further the District Head can dismiss a man from the land if he does not live in harmony with the people of the district or if the land is wanted for another purpose.

Accordingly whoever has been given a place to build on must sign his name in this book."

Subsequent pages read, in Hausa:—

PROMISE

Date	*No.*	
	1	I, ... understand and agree
	2	I, ... understand and agree
	etc.	etc."

Plateau Report paragraph 138.

40. It may be that this is a copying of the procedure initiated at Kafanchan to which Rowling refers at paragraph 138 of his Plateau Report. The District Head assured me, however, that he did not know they were doing anything like it at Kafanchan and he had thought it out by himself to prevent future disputes. It would not be applied to the Hausa enclave as they never occasioned disputes. But the Ibos were different. One knew their habits.
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[p. 11]

4: Cole G-5 (1948) 1949 FF38 Katab FF38
Kagoro
Jaba

41. As pointed out in the Kano and Plateau Reports it is necessary that the greatest care should be taken when such " registration " takes place in order that no doubt can be left as to precisely what the lender of the land is giving and the borrower receiving. The need for some such form of registration could not be better illustrated than by the District Head's realisation of the need and his attempt to meet that need.

Plateau Report paragraph 139. Kano Report paragraph 71.

42. The produce of economic trees belongs to the owner of the farm on which the tree stands. It does not pass either with exchange, loan or pledge. The produce of economic trees not on farmlands, *e.g.*, the oil palms in the kurumi, is held to be public property and anyone is at liberty to take it. There appear to be no particular or special prescriptive rights to particular persons in regard to economic trees.

Sylvan produce.

JABA KWOI DISTRICT

43. Some distance to the west of the Kagoro district and separated from it by a spur of the Zaria Emirate lies the Jaba Kwoi independent district. Until 1934 it was administered as part of the Plateau Province. In that year, however, it was detached from the Plateau Province and became an independent district of the Zaria Province within which the rest of the Jaba tribe reside under Emirate control. The Emirate boundary thus divides the Jabawa of whom there are about 24,500, 14,000 of whom live in the independent district and 10,500 in the Kachia district of the Zaria Emirate. This Emirate boundary marks the boundary between those Jabawa who accepted Fulani domination and those who continued to resist and retained their independence by hiding in the once thickly forested valleys of their district.

44. The attempt to relate territorial village units of the Jaba Kwoi independent district with separate kindreds or family groups was here, as with the Kagoro, abortive. Whatever may have been the basis of land tenure in the past there can be no doubt that it is now, in the great majority of cases, individual. The family or extended family holding of land is abundantly less common than that of the individual. The reason for this state of affairs lies, as with the Kagoro, in the continual harrying and dispersal of the original inhabitants by the Fulani. Kindred lands were of necessity widely fragmented and with neither the cohesion of a settled existence or of a compact living space the kindred holding concept was undermined. Support for this theory is very evident in the fact, reverted to in paragraph 63 below, that the Jabawa who accepted Fulani domination and consequently were not widely scattered and harried still retain this concept and still have compact lands.

Breakdown to individual tenure.